

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP J. VONVILLE,

Petitioner,

v.

JOHN KERESTES, *et al.*,

Respondents.

NO. 3:14-CV-1582

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 5th day of March, 2019, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 37) is **ADOPTED**.
- (2) The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **CONDITIONALLY GRANTED**.
- (3) Petitioner's conviction and sentence is **VACATED**.
- (4) The Commonwealth shall retry Petitioner within **120 days from the date of entry of this Order or he shall be released from custody**.
- (5) The Clerk of Court is directed to mark the case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge